



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR - 7 2015

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

IN THE MATTER OF:

ATTENTION:

SCT Holdings Inc.  
7013 Willow Trace Lane  
Matthews, NC 28104-6804

Registered Agent for SCT Holdings Inc.  
CT Corporation System  
150 Fayetteville Street  
Box 1011  
Raleigh, NC 27601

SCT Fleet Solutions LLC d/b/a/  
Derive Efficiency  
4150 Church Street  
Suite 1024  
Sanford, FL 32771

SCT Delaware Holdings d/b/a Derive Systems  
4150 Church Street  
Suite 1024  
Sanford, FL 32771

Registered Agent for SCT Delaware Holdings  
The Corporation Trust Company  
Corporation Trust Center  
1209 Orange Street  
Wilmington, DE 19801

Global Environmental Fund  
5471 Wisconsin Avenue  
Suite 300  
Chevy Chase, MD 20815

**Request for Information Under § 208(a) of the Clean Air Act, 42 U.S.C. § 7542(a)**

The United States Environmental Protection Agency ("EPA") hereby requires SCT, Bully Dog, Derive Systems, Derive Efficiency, and any of their parent organization, affiliates, predecessors, successors, and assignees owned or controlled by Global Environmental Fund ("you"),<sup>1</sup> to submit certain

<sup>1</sup> See definitions 5, 6, and 7 in Appendix A.

information as part of an EPA investigation to determine your compliance with Sections 203(a)(1) and 213(d) of the Clean Air Act ("CAA"), 42 U.S.C. §§ 7522(a)(1) and 7547(d), and the applicable Motor Vehicle Regulations at 40 C.F.R. Parts 85 and 86. Examples of vehicles or engines regulated under these Parts include, but are not limited to, automobiles, recreational vehicles, and pickup trucks. Appendix A provides definitions. Appendix B provides instructions for your responses to this Request for Information. Appendix C specifies the information that you must submit.

The EPA issues this Request for Information under Section 208(a) of the CAA, 42 U.S.C. § 7542(a). Under Section 208(a), the Administrator of the EPA may require any person who is subject to the CAA to provide information necessary to determine whether the person has acted in compliance with these requirements and the regulations promulgated thereunder. The Administrator has delegated this authority to the undersigned Director of the Air Enforcement Division, Office of Enforcement and Compliance Assurance.

You must submit this information to the EPA representative listed below within thirty (30) calendar days from the date of this Request for Information. Please carefully review the instructions, definitions, and specific requests as you prepare your response. If you anticipate being unable to fully respond to this Request for Information by this date, you must contact Andy Zellinger at (415) 972-3093 within 15 days of the date of this Request for Information and, with an appropriate justification, request an extension of time to answer some or all of the requests below. If timely submitted, the EPA will review your request and may extend the time in which your response must be provided.

Failure to provide the required information may result in the initiation of a civil action pursuant to Section 205(b) of the CAA, 42 U.S.C. § 7524(b). Failure to provide all requested information in its entirety, and in the format requested, may result in additional inquiries and penalties. It is important that your responses be clear, accurate, organized, and complete. We will regard any submitted information that is misleading, false, incomplete, or submitted without regard to its accuracy as a violation of the CAA and/or criminal statutes.

Finally, you must submit all requested information under an authorized signature with the following certification (provided in Appendix E):

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act, 42 U.S.C. § 7413(c)(2), and 18 U.S.C. §§ 1001 and 1341.

We may use any information submitted in response to this Request for Information in an administrative, civil or criminal action.


You are entitled to assert a business confidentiality claim covering all or part of the information you submit in response to this Request for Information, in accordance with the procedures

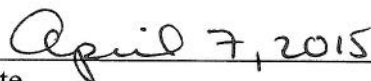
described in the Confidentiality of Business Information ("CBI") regulations, 40 C.F.R. Part 2, Subpart B. However, no CBI claim may be made with respect to emissions data as defined at 40 C.F.R. § 2.301(a)(2). You must specify the page, paragraph and sentence when identifying the information subject to your CBI claim. Appendix D of this Request for Information specifies the assertion and substantiation requirements for business confidentiality claims. The EPA may, without further notice, provide the public with any information not subject to a CBI claim.

Please submit all requested information, via courier service or overnight delivery, to:

Kathleen Johnson, Director, Enforcement Division  
Attn: Andy Zellinger, Environmental Protection Specialist  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne St. (ENF-2-1)  
San Francisco, CA 94105

Any questions concerning this Request for Information should be directed to Andy Zellinger at 415-972-3093 or [Zellinger.Andrew@epa.gov](mailto:Zellinger.Andrew@epa.gov) or have your attorney contact Margaret Alkon in the Office of Regional Counsel at 415-972-3890 or [Alkon.Margaret@epa.gov](mailto:Alkon.Margaret@epa.gov).

  
for Phillip A. Brooks  
Director  
Air Enforcement Division

  
Date April 7, 2015



## **Appendix A**

### **Definitions**

1. All terms used in this Request for Information will have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 et seq., or the Motor Vehicle and Non-Road Regulations found at 40 C.F.R. Parts 85, 86, 89, 90, 1051 and 1068.
2. The terms “document” and “documents” means any object that records, stores, or presents information, and includes, without limitation, email, writings, memoranda, contracts, agreements, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy shall also include attachments to or enclosures with any document.
3. The term “entity” means any natural person, corporation, partnership, Limited Liability Company, sole proprietorship, joint venture, or any formal or informal group, organization or association.
4. The term “person” includes an individual, corporation, partnership or association (see Section 302(e) of the CAA, 42 U.S.C. § 7602(e)).
5. The term “SCT” includes but is not limited to SCT Holdings Inc., SCT Performance LLC, SCT Fleet Solutions, SCT Delaware Holdings, Inc. and any of their affiliates, predecessors, successors, and assignees.
6. The term “Bully Dog” includes but is not limited to BD Wind Down, LLC (Formerly Bully Dog Technologies, LLC), Bully Dog Acquisition, LLC, and any of their affiliates, predecessors, successors, and assignees.
7. The term “you,” and “your” includes but is not limited to SCT, Bully Dog, Derive Systems, Derive Power, Derive Efficiency, and any of their parent organization, affiliates, predecessors, successors, and assignees.
8. The term “Affiliated Organization” means any organization or entity associated with you as an agent, parent organization, predecessor corporation, subsidiary organization, or any organization, or entity acting in lieu of you or the entities named in Definitions #6 and 7.
9. The term “applications” means all vehicle or engine configurations.

10. The term “emission related parts” means those parts installed for the specific purpose of controlling emissions or those components, systems, or elements of design which must function properly to assure continued vehicle emission compliance as defined in 40 C.F.R. § 85.2102.
11. The term “element of design” means any control system (*e.g.*, computer software, electronic control system, emission control system, computer logic), and/or control system calibrations, and/or the results of systems interaction, and/or hardware items on a motor vehicle or motor vehicle engine, as defined in 40 C.F.R. § 86.094-2.
12. The term “dealer” means any person who is engaged in the sale or the distribution of new motor vehicles or new motor vehicle engines to the ultimate purchaser (see Section 216(4) of the CAA, 42 U.S.C. § 7550(4)).
13. The term “electronic control module” or “ECM” means a device that receives inputs from various sensors and outputs signals to control engine, vehicle, or equipment functions. The ECM uses software programming including calculations and tables of information to provide the appropriate outputs. ECM can be a generic term but may refer specifically to the engine control module when discussing emission controls on vehicles and engines. Other ECMs may be incorporated separately with multiple units used to control various engine, vehicle, or equipment functions. Examples of electronic control modules include, but are not limited to, Engine Control Module, OBD Control Modules, Powertrain Control Module (PCM), Transmission Control Module (TCM), Body Control Module (BCM) and aftertreatment control module. Any or all of these modules may be combined into a single unit.
14. The term “selective catalytic reduction” or “SCR” includes systems which inject a reductant, such as diesel exhaust fluid (DEF), into the exhaust stream where it reacts with a catalyst to convert NO<sub>x</sub> (nitrogen oxide) emissions to N<sub>2</sub> (nitrogen gas) and H<sub>2</sub>O (water).
15. The term “onboard diagnostics” or “OBD” includes systems which monitor components that can affect the emission performance of the vehicle to ensure that the vehicle remains as clean as possible over its entire life, and assists repair technicians in diagnosing and fixing problems with the computerized engine controls. If a problem is detected, the OBD system illuminates a warning lamp on the vehicle instrument panel to alert the driver.
16. The term “exhaust gas recirculation” or “EGR” includes systems which redirect, usually by use of an EGR valve, a portion of engine exhaust back into the engine’s combustion chamber to cool and reduce peak combustion temperatures and pressures, thereby reducing the production of NO<sub>x</sub>. The EGR system may include an EGR cooler to cool the recirculated exhaust to further reduce the combustion temperature.

17. The term “catalysts” includes systems which increase the rate of a chemical reaction but are not one of the original reactants or final products, *i.e.*, it is not consumed or altered in the reaction. Catalysts are used in many processes in the chemical and petroleum industries. Emission control catalysts are used to promote reactions that change exhaust pollutants from internal combustion engines into harmless substances. Catalysts consist of a flow-through structure that is coated with an active metal catalyst and surrounded by a stainless steel housing.



**Appendix B**  
**Instructions for Responses**

1. Provide a complete, detailed response to each of the requests in Appendix C, below. Provide any narrative responses or lists in English, in both written document form and in electronic form using an electronic spreadsheet (*e.g.*, Word, Excel), provided you have access to spreadsheet software. Please contact Andy Zellinger if providing the responses in Excel format will be an issue.
2. This Request for Information is a continuing request. You must promptly supplement your response to any request in Appendix C in the event you learn that you possess responsive information not yet produced or if you gain possession, custody, or control of responsive information after initially responding to this Request for Information.
3. For each answer, please provide the number of the request to which it responds and identify each person who provided information that was used to prepare that answer. For each document produced, please provide the number of the request to which it responds. Where information is responsive to more than one numbered request, provide that information only once, but indicate the numbers of all requests to which the information is responsive.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where documents or information necessary for a response is not in your possession, custody or control, indicate in your response why such documents or information is not available or in your possession, custody or control, and identify any source that either possesses or is likely to possess such information.
6. All submitted documents should be copies and not original documents.
7. Where you have previously submitted information to the EPA that is also the subject of these requests, re-submit that information in accordance with these instructions (Appendix B). Identify the material that was previously provided, the date on which it was provided, how the information was provided (*e.g.*, electronically, fax, mail), and the individual at EPA to whom it was provided.
8. Please provide two copies of your response to this Request for Information in electronic form. Please provide the Statement(s) of Certification (Appendix E) in hard copy form with two electronic copies of your response. All responsive documents and materials (*e.g.*,

copies of print media, audio and visual material) must be provided as an accurate and legible copy in searchable format, submitted on a disk (CD or DVD media), and number stamped in sequential order (*e.g.*, BATES stamped). Where spreadsheets are responsive to a request, produce them in unlocked electronic spreadsheet format, such as .xls or .csv (locked spreadsheets, .pdf files and images are unacceptable). Please contact Andy Zellinger if providing the information electronically will be an issue.

9. Where a specific entity is responsible for a response to a request in Appendix C (*e.g.*, SCT Holdings, Inc., SCT Performance, LLC, Bully Dog Acquisition, LLC or BD Wind Down, LLC), clearly indicate in your response which entity is providing the response.
10. If changes relevant to any of the requests in Appendix C happened during the period of time from January 2013 to the present, including but not limited to changes occurring related to the acquisition, reorganization, or merger of Bully Dog with SCT Holdings, describe in a narrative these changes and provide documents and information responsive to the request for each person and for each period of time.



**Appendix C**  
**Request for Information**

You must submit a copy of the following information to the EPA, pursuant to Section 208 of the CAA, 42 U.S.C. § 7542, regarding the manufacture, distribution, sale and/or offering for sale of certain automotive parts during the period January 2013 through the present.

1. For each person or persons (such as SCT Performance LLC, Bully Dog Technologies, LLC, etc.), identify each component, element of design, tuner, software coding, tunes, device, or part (hereinafter identified as "component") manufactured, installed, sold, or offered for sale by you or any Affiliated Organization during the period January 2013 through the present, that:
  - a. permanently or temporarily changes, affects, or bypasses a motor vehicle's emission related parts, including but not limited to the:
    - i. diesel particulate filter ("DPF") system;
    - ii. exhaust gas recirculation ("EGR") system;
    - iii. catalytic converter system ("catalyst");
    - iv. on-board diagnostic system ("OBD");
    - v. selective catalytic reduction ("SCR"); or
    - vi. any sensors, signals, or records related to these systems.
  - b. Can be programmed to modify engine or OBD parameters, including, but not limited to, the Electronic Control Module ("ECM").
  - c. Permanently or temporarily simulates the operation of a motor vehicle's emission related parts, including but not limited to the DPF system, EGR system, catalyst, OBD, SCR, or any sensors, signals, or records related to these systems.
  - d. Together with the addition, modification, or removal of a motor vehicle's parts, has the effect to permanently or temporarily change, affect, bypass, defeat, or render inoperative a motor vehicle emission control device or emission related part.
2. For components that are identified in response to Request 1:
  - a. Identify all emission related parts including but not limited to engine or OBD parameters that can be modified, simulated, changed, affected, or bypassed.
  - b. Describe all tunes (software coding including, but not limited to, "custom" tunes) that you and any Affiliated Organization offer to your or its dealers. Include in the description whether the tune, compared to the stock tune installed by the original vehicle manufacturer: alters the function of the OBD system; facilitates the removal of (or alters the operation of) the EGR, DPF, and SCR systems; alters injection timing, horsepower, or fuel economy; or alters any logs, records, alerts, or responses related to sensors, signals, or diagnostic trouble codes related to these systems.

3. For each person or persons (such as SCT Performance LLC, Bully Dog Technologies, LLC, etc.), identify all components you or any Affiliated Organization manufactured, installed, sold, or offered for sale that you or any Affiliated Organization have identified in any of your or its marketing media using disclaimers including, but not limited to: "Race Use Only," "Not legal for sale or use on pollution controlled vehicles based and registered in California," "49 state legal," "off-road use only," "Not for Sale or Use on Any Pollution-controlled Vehicle in the United States," or similar designations.
4. For each person or persons (such as SCT Performance LLC, Bully Dog Technologies, LLC, etc.), identify by fleet customer each component within the scope of Requests 1 or 2 manufactured, installed, sold, or offered for sale by you or any Affiliated Organization during the period January 2013 through the present, for vehicle fleets, including but not limited to, the vehicle fleets listed on the following websites:<sup>2</sup>  
<http://www.sctfleetsolutions.com/>  
<http://derivesystems.com/efficiency/>
5. For each component identified in Requests 1 through 4 above, provide the following information in electronic spreadsheet format for each person or persons (such as SCT Performance LLC, Bully Dog Technologies, LLC, etc.) who manufactured, installed, sold or offered for sale this component:
  - a. The component part number and identifying name, and the component part number and identifying name from the manufacturer or supplier;
  - b. The vehicle applications by make, model, engine types, and year;
  - c. A description of what the component does and how it operates;
  - d. The quantity that was manufactured and/or purchased by you;
  - e. The quantity that was sold or offered for sale by you; and
  - f. The name and date of any emissions testing or reports regarding any effect to emissions.
  - g. Use in marketing of disclaimers as identified in Request 3.
6. For each component identified in Requests 1 through 4 above, identify in an electronic spreadsheet format:
  - a. The engine parameters (e.g., fuel delivery rate, timing of mixture, or the combustion process or other engine parameters) affected or changed in any way by such component.

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<sup>2</sup> The vehicle fleet customers listed on these websites included but are not limited to the following: Sears, JeldWen Windows and Doors, Lee Company, ARS Rescue Rooter, Del-Air, Lee Company, Union Pacific, Pepsi, City of Lakeland, City of Phoenix, CleanHarbors, State of North Carolina Department of Transportation, Dish Network, suddenlink, American Muscle, AutoAnything, Innovative Diesel, and Keystone Automotive Operations.



- b. The engine elements of design that are affected or changed in any way by such component.
  - c. Whether and how this component permanently or temporarily: changes, affects, bypasses, turns on, turns off, renders inoperative, facilitates the removal of, modifies, or simulates the operation of a vehicle's:
    - i. DPF system;
    - ii. EGR system;
    - iii. SCR system;
    - iv. OBD system;
    - v. Any other sensors or signals related to the vehicle's emission control systems or elements of design; and
    - vi. Any other emission related parts as compared to its function as originally designed by the original vehicle manufacturer to assure continued vehicle emission compliance.
7. For components identified in response to Requests 1 through 4 above, state whether you or any other entity conducted tests measuring emissions of hydrocarbons, carbon monoxide, nitrogen oxides, and/or particulate matter, including tests that measure the impact of the component on motor vehicle emissions or that measure the impact of the component on a vehicle's emission control devices or elements of design. For each such test, provide the following information:
- a. A description of the test, including identification of the component and vehicle, the EPA engine family, name of the vehicle, test equipment, test protocols, and calibration procedures;
  - b. A sample test report and any training or instructional materials used for educating employees and affiliated persons about how to perform the test;
  - c. The date and location of the test, the name and position of the person that conducted the test, and the test results.
8. For each component identified in Requests 1 through 4 above, provide the following for each person (such as SCT Performance LLC, Bully Dog Technologies, LLC, etc.) who manufactured, installed, sold, or offered for sale this component:
- a. Copies of your advertisements to sell, distribute, or install the component, including advertisements on web sites and in other media;
  - b. Copies of any installation or operation instructions, guides, or manuals;
  - c. Copies of receipts for the total quantity of the component purchased by you; and
  - d. Copies of receipts for the total quantity of the component sold by you.
9. For each component identified in Requests 1 through 4 above sold to an individual customer in quantities of ten (10) or more units (a "Bulk Purchaser"), provide:
- a. The quantity that was sold to each Bulk Purchaser during each year from January



- 2013 through the present;
- b. The name, address, contact person(s), and phone number of each Bulk Purchaser; and
  - c. The name under which the Bulk Purchaser marketed the component (*e.g.*, SCT, Bully Dog, or other Affiliated Organization, or its own brand name).
10. Provide a narrative description and any documents describing any inspections, compliance assurance processes, or procedures you and any Affiliated Organization use to ensure that the components identified in response to Requests 1 through 4 above comply with the requirements of the CAA and that any emission related parts, are functioning as initially designed by the original vehicle manufacturer to assure continued vehicle emission compliance.
11. For components that are identified in response to Requests 1 through 4 above, state whether you or an Affiliated Organization submitted an application for an Executive Order to the California Air Resources Board and provide a copy of the application for each component. State whether each component received an Executive Order exempting the component from California's emission control system anti-tampering law, California Vehicle Code § 27156. If the component received an Executive Order, provide the Executive Order number and state whether the California Air Resources Board required you or the Affiliated Organization to change the component or application to receive approval.
12. For components that are identified in response to Requests 1 through 4 above, state whether you or an Affiliated Organization submitted an application for aftermarket certification under EPA's Motor Vehicle Aftermarket Retrofit Device Evaluation Program and provide a copy of the application for each component. State whether each component received an after-market certification and state whether EPA required you to change the component or application to receive approval.
13. For each person or persons (such as SCT Performance LLC, Bully Dog Technologies, LLC, etc.) including any Affiliated Organization, provide a copy of your corporate documents, including but not limited to certificates of good standing, articles of incorporation, by-laws, and partnership or membership agreements, as applicable during the time period from January 2013 to the present.
14. For each person or persons (such as SCT Performance LLC, Bully Dog Technologies, LLC, etc.) including any Affiliated Organization, describe your current corporate structure.
15. For the period from January 1, 2013 to present, describe changes to corporate structure

- related to acquisition, reorganization, or merger of Bully Dog and SCT.
- a. Provide agreements related to these changes to corporate structure and the acquisition, reorganization, or merger of Bully Dog and SCT.
  - b. Provide a descriptive timeline of what companies and Affiliated Organizations were doing at specific times, and, within the timeline, list the following:
    - i. The date any mergers occurred;
    - ii. How and to which companies stocks or assets were sold and purchased;
    - iii. The predecessors to each person or (in the case of an asset transfer) asset; and
    - iv. The successors and assignees to each person or (in case of an asset transfer) asset.
16. For each person or persons including any Affiliated Organization, provide a list of your officers, directors, owners, and shareholders during the time period from January 2013 to the present, and for each answer provide an organizational chart and any other documents relevant to your corporate structure.
17. For each person or persons provide a list of your Affiliated Organizations during the time period from January 2013 to the present.
18. Provide the name and address of each location where any of the components identified in response to Requests 1 through 4 above have been or currently are being stored or offered for sale by you or any Affiliated Organization (and for you and any Affiliated Organization, identify the person(s) and role(s) of each person involved).
19. Identify any entity that you and your Affiliated Organizations have licensed to manufacture components identified in response to Requests 1 through 6 above. Also identify, for you and any Affiliated Organization, the licensor.
20. Identify any entity that you and your Affiliated Organizations have licensed to sell or offer to sell components identified in response to Requests 1 through 4 above. Also identify, for you and any Affiliated Organization, the licensor.
21. Identify any entity that you and your Affiliated Organizations have licensed to install components identified in response to Requests 1 through 4 above. Also identify, for you and any Affiliated Organization, the licensor.
22. For each person or persons, provide a list of your dealers during the time period from January 2013 to the present. Describe your business relationship with each dealer. Provide copies of agreements related to the sale and purchase of products, services, intellectual property, or things of value with those entities.



23. Provide a narrative describing techniques, skills, and engine parameters taught during any In-House Custom Tuning Training, On-Line Custom Tuning Training, and any other trainings offered by you or any Affiliated Organization (*e.g.*, “Derive Advantage III University,” and other trainings about “Derive Advantage Software” and “Ford Diesel Tuning using SCT Performance Software,” “GM Tuning Using SCT Performance Software,” “Ford Gas Tuning Using SCT Performance Software” and other trainings about SCT, Bully Dog or Derive software) and include all training materials and handouts provided for those trainings. Such trainings include those listed on the following websites:
- i. <http://www.sctflash.com/scttraining.php>
  - ii. <http://www.thetuningschool.com/>
24. Separately identify each product, service, intellectual property, or thing of value that you or any Affiliated Organization have sold to H&S Performance, LLC, or any of its agents, affiliates, employees, executives, or owners (collectively H&S Performance). Include any sale or transaction with H&S Performance, even if such sale or transaction was of little value or outside of your primary operations, and the date of every transaction. Provide any licensing and/or software maintenance agreements, and associated payments and/or fees, with H&S Performance, and the dates of the initiation and termination, if applicable, of such agreements. Identify and provide all communications, including emails, with H&S Performance, LLC.
25. For each product, service, or thing of value (*e.g.*, intellectual property) identified in response to Request 24 above, provide:
- a. The part number and identifying name. If no such number or identifying name exists, include any identifying information available;
  - b. The vehicle applications by make, model, engine types, and year;
  - c. A description of what the product, service, or thing of value does, how it operates, and its intended use;
  - d. A copy of any advertisement to sell, distribute, or install the product, service, or thing of value, including advertisements on web sites, in other media, and broadcast emails to dealers;
  - e. A copy of any installation or operation instructions;
  - f. The quantity that was purchased by H&S Performance, LLC; and
  - g. Copies of receipts for the total quantity of the product, service, or thing of value purchased by H&S Performance, LLC.
26. Identify all individuals responsible for responding to this Request for Information, including their title(s), the request(s) to which each individual responded, and the period of time from January 2013 to the present for which each individual is providing a response.



## **Appendix D**

### **Confidential Business Information**

You may assert a business confidentiality claim covering all or part of the information you provide in response to this Request for Information for any business information entitled to confidential treatment under Section 208(c) of the CAA, 42 U.S.C. § 7542, and 40 C.F.R. Part 2, subpart B. Under Section 208(c) of the CAA, you are entitled to confidential treatment of information that would divulge methods or processes entitled to protection as trade secrets. Under 40 C.F.R. Part 2, subpart B, business confidentiality means “the concept of trade secrecy and other related legal concepts which give (or may give) a business the right to preserve the confidentiality of business information and to limit its use or disclosure by others in order that the business may obtain or retain business advantages it derives from its rights in the information.” See 40 C.F.R. § 2.201(e).

Information covered by a claim of business confidentiality will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 208(c) of the CAA and 40 C.F.R. Part 2, subpart B. EPA will construe your failure to furnish a business confidentiality claim with your response to this Request for Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

To assert a business confidentiality claim, you must place on (or attach to) all information you desire to assert as business confidential either a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as “trade secret,” “proprietary,” or “company confidential” at the time you submit your response to this Request for Information. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by the EPA. You should indicate if you desire confidential treatment only until a certain date or until the occurrence of a certain event.

The criteria the EPA will use in determining whether material you claim as business confidential is entitled to confidential treatment are set forth at 40 C.F.R. §§ 2.208 and 2.301. These regulations provide, among other things, that you must satisfactorily show that: (1) the information is within the scope of business confidentiality as defined at 40 C.F.R. § 2.201(e), (2) that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, (3) the information is not and has not been reasonably obtainable by legitimate means without your consent, and (4) the disclosure of the information is likely to cause substantial harm to your business competitive edge. See 40 C.F.R. §§ 2.208 (a)-(d). Emission data, as defined at 40 C.F.R. § 2.301(a)(2), is expressly not entitled to confidential treatment under 40 C.F.R. Part 2, subpart B. See 42 U.S.C. § 7542(c); 40 C.F.R. § 2.301(e).

If you assert a claim of business confidentiality in connection with information and documents forwarded in response to this Request for Information, in accordance with 40 C.F.R. § 2.204(e)(4), the EPA is requesting that you answer the following requests with respect to any information or document for which you assert a claim of business confidentiality:

1. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.
2. For what period of time do you request that the information be maintained as confidential (*e.g.*, until a certain date, until the occurrence of a specified event or permanently)? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you have specified.
3. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effect. How could your competitors make use of this information to your detriment?
7. Is there any other explanation you deem relevant to the EPA's determination of your business confidentiality claim that is not covered in the preceding requests? If so, you may provide such additional explanation.

You must furnish comments to the above requests concurrent with your response to this Request for Information if you have claimed any information as business confidential. See 40 C.F.R. § 2.204(e)(2). Pursuant to 40 C.F.R. § 2.205(b)(2), you may request an extension of this deadline.



The EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1). Please submit your comments to:

Margaret Alkon  
Office of Regional Counsel (ORC-2)  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, CA 94105

Pursuant to 40 C.F.R. § 2.205(c), you are hereby advised that information you submit as part of your comments may be entitled to confidential treatment if, when it is received by the EPA, it is marked in accordance with 40 C.F.R. § 2.203(b). As required by 40 C.F.R. § 2.204(e)(6), you may assert a business confidentiality claim covering all or part of your response to these requests, as provided in 40 C.F.R. § 2.203(b). Information covered by such a business confidentiality claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 208(c) of the CAA and 40 C.F.R. Part 2. The EPA will construe the failure to furnish a confidentiality claim with your comments as a waiver of that claim, and the information may be made available to the public without further notice to you.



**Appendix E**  
**Statement of Certification**

You are submitting the enclosed documents in response to the U.S. Environmental Protection Agency's ("EPA") Request for Information, issued pursuant to Section 208(a) of the Clean Air Act, to determine compliance with the Clean Air Act and its affiliated regulations.

I certify that I am fully authorized by \_\_\_\_\_ [corporate affiliation] to provide the above information on its behalf to EPA.

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act, 42 U.S.C. § 7413(c)(2), and 18 U.S.C. §§ 1001 and 1341.

Date:

\_\_\_\_\_

Name (Printed):

\_\_\_\_\_

Signature:

\_\_\_\_\_

Title:

\_\_\_\_\_

**CERTIFICATE OF MAILING**

I, Tawanna Cathey, certify that I sent a Request for Information pursuant to Section 208 of the Clean Air Act by Certified Mail, Return Receipt requested, to:

SCT Holdings Inc.  
7013 Willow Trace Lane  
Matthews, NC 28104-6804

Registered Agent for SCT Holdings Inc.  
CT Corporation System  
150 Fayetteville Street  
Box 1011  
Raleigh, NC 27601

SCT Fleet Solutions, LLC d/b/a/ Derive Efficiency  
4150 Church Street  
Suite 1024  
Sanford, FL 32771

SCT Delaware Holdings d/b/a Derive Systems  
4150 Church Street  
Suite 1024  
Sanford, FL 32771

Registered Agent for SCT Delaware Holdings  
The Corporation Trust Company  
Corporation Trust Center  
1209 Orange Street  
Wilmington, DE 19801

Global Environmental Fund  
5471 Wisconsin Avenue  
Suite 300  
Chevy Chase, MD 20815

On the \_\_\_\_ day of April, 2015.

\_\_\_\_\_  
Tawanna Cathey, Secretary  
U.S. Environmental Protection Agency

Certified Mail Receipt Number: \_\_\_\_\_